



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE Application of

Inventor(s): Guizeng SHI et al. Group Art Unit: N/A

Appln. No.: 09/701,309 Examiner: N/A

Filed: November 28, 2000

For: COMMUNICATION TERMINAL APPARATUS, BASE STATION APPARATUS AND RADIO COMMUNICATION METHOD

SUPPLEMENTAL DECLARATION OF OSAMU KATO
UNDER 37 CFR §1.47(b)

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Osamu Kato, do hereby solemnly and sincerely declare that:

1. I have acted on behalf of Matsushita Electric Industrial Co., Ltd. in attempting to secure the signature of joint inventor Guizeng Shi on a Declaration Under 37 CFR § 1.63 and Assignment associated with the above-identified application.

2. U.S. Application No. 09/701,309, the subject of this Declaration, which is the U.S. national stage filing of PCT international application number PCT/JP00/01754, claims priority from Japanese Appln. No. 11-094351 filed March 31, 1999, and from Japanese Appln. No. 11-102734 filed April 9, 1999 (see Exhibits A and B attached to the Declaration filed March 26, 2001).

3. Proof of the proprietary interest of Matsushita Electric Industrial Co., Ltd. in the present application is established by Exhibit C attached to the Declaration filed March 26, 2001.

4. On March 31, 2000, Guizeng Shi left the employ of Matsushita Electric Industrial Co., Ltd. His last known address is 4-4-18-104, Midori-cho, Akishima-shi, Tokyo 196-0004 JAPAN.

5. On February 8, 2001, I wrote to Guizeng Shi by registered mail

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and enclosed the following documents (see Exhibit D attached to the Declaration filed March 26, 2001).

6. Having received no response from Mr. Shi by February 16, 2001, I wrote to Mr. Shi by registered mail again on February 16, 2001 and enclosed the following documents (see Exhibit E attached to the Declaration filed March 26, 2001):

7. My correspondences of February 8, 2001 and February 16, 2001 to Mr. Shi were forwarded by registered mail return receipt (see Exhibits F and G attached to the Declaration filed March 26, 2001).

8. Exhibits F and G show that the mail was returned to sender after a one-week custodial period due to absence of the recipient.

9. On September 11, 2001, I telephoned Mr. Shi and found that his last known telephone number is no longer being used.

10. Around September 11, 2001, I attempted to reach Mr. Shi by e-mail, but I was unable to reach him.

10. I inquired with the Japanese Post Office as to whether Mr. Shi had left a "Request for Forwarding" and was informed that he had not.

11. On September 17, 2001, Ms. Tomoko Najima of Matsushita wrote to Guizeng Shi by registered mail (see Exhibit AA which is Registered Mail Receipt and English translation) and enclosed the following documents (see Exhibit BB which is a Cover Letter and English translation):

i. Declaration for Patent Application for the above-captioned application, including the names of all three inventors of the present application and having attached to the Declaration the specification, claims, abstract and drawings as filed on November 28, 2000, for the above-captioned application;

ii. Assignment for the above-captioned application; and
iii. Cover letter requesting Mr. Shi to sign and date each of the documents as indicated, and return the originals to Matsushita Electric Industrial Co., Ltd.

12. Attached Exhibit CC is a "Record of Delivery" from the Akisima Post Office indicating that the mail identified in Section 12 above could not be delivered and that a forwarding address of the recipient is unknown.

13. Under the Japanese postal system, when the recipient is absent at the time of delivery of registered mail, a "Notice of Delivery" is left in the recipient's mailbox. Attached Exhibit DD is a sample "Notice of Delivery" used by the Japanese postal system, with English translation. This Notice tells the recipient that (1) he/she was absent when a mail from "Sender" was attempted to be delivered at a stated time of delivery on a given date, (2) the package will be kept in the [Name of location of Post Office] Post Office for him/her to pick up during a 7 day custodial period (extendible three days upon request of the recipient). There are two optional ways of receipt of the mail. One is "Request of Re-delivery," and if the recipient wishes the Post Office to deliver again, he/she informs the Post Office of the convenient date by telephone or on the reverse side of the Notice of Delivery. The other option is that the recipient goes to the appointed Post Office to pick up the mail.

14. To date, despite the diligent efforts of both Matsushita Electric Industrial Co., Ltd. and the undersigned, we have been unable to locate or reach Mr. Guizeng Shi, in order to secure Mr. Shi's compliance with any of our above-identified requests to sign the Declaration Under 37 CFR § 1.63 for the present application.

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Osamu Kato

Date: September 28, 2001

Osamu Kato